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SENATE BILL 714

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

INTRODUCED BY

Phil A. Griego

AN ACT

RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR  
OR DRUGS; REQUIRING INSTALLATION OF AN IGNITION INTERLOCK  
DEVICE AFTER ARREST AS A CONDITION OF RELEASE; ALLOWING  
ASSISTANCE FROM THE INTERLOCK DEVICE FUND TO INDIGENT  
ARRESTEES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. [NEW MATERIAL] IGNITION INTERLOCK AS A  
CONDITION OF RELEASE.--

A. In addition to any bail or bond requirements, a  
person arrested for driving under the influence of intoxicating  
liquor or drugs pursuant to the provisions of Section 66-8-102  
NMSA 1978 shall be required, as a condition of release:

(1) to install an ignition interlock device on  
all vehicles registered in the person's name until final

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1 adjudication and disposition of the charge; and

2 (2) to operate only a vehicle equipped with an  
3 ignition interlock device.

4 B. The requirement of an ignition interlock device  
5 pursuant to this section shall not be deemed a punishment and  
6 shall not impact the adjudication or sentence in a case.

7 Section 2. Section 66-8-102.3 NMSA 1978 (being Laws 2002,  
8 Chapter 82, Section 2, as amended) is amended to read:

9 "66-8-102.3. IMPOSING A FEE--CREATING A FUND.--

10 A. A fee is imposed on all persons who provide  
11 ignition interlock devices to a person arrested for or  
12 convicted of driving while under the influence of intoxicating  
13 liquor or drugs pursuant to Section 66-8-102 NMSA 1978 or a  
14 person whose driver's license is revoked pursuant to the  
15 provisions of the Implied Consent Act, in the amount of ten  
16 percent of the amount charged to lease, install, service and  
17 remove each ignition interlock device for a person arrested or  
18 convicted pursuant to Section 66-8-102 NMSA 1978 or whose  
19 driver's license is revoked pursuant to the provisions of the  
20 Implied Consent Act and shall be paid monthly to the local  
21 government division of the department of finance and  
22 administration.

23 B. The "interlock device fund" is created in the  
24 state treasury. The fee imposed pursuant to Subsection A of  
25 this section shall be distributed to the fund by the local

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1 government division of the department of finance and  
2 administration.

3 C. All money in the interlock device fund is  
4 appropriated to the local government division of the department  
5 of finance and administration to cover the costs of installing,  
6 leasing for the initial four months and removing ignition  
7 interlock devices for indigent people who are required,  
8 pursuant to arrests or convictions under Section 66-8-102 NMSA  
9 1978 or driver's license revocations pursuant to the provisions  
10 of the Implied Consent Act, to install those devices in their  
11 vehicles. Indigency shall be determined by the [~~sentencing~~]  
12 court.

13 D. Any balance remaining in the interlock device  
14 fund shall not revert to the general fund at the end of any  
15 fiscal year.

16 E. The interlock device fund shall be administered  
17 by the local government division of the department of finance  
18 and administration."